



Office of Administrative Services
FOIA Requester Service Center

January 6, 2017

Mr. Joseph Morath Jr.
Connors LLP
1000 Liberty Building
Buffalo, NY 14202

Dear Mr. Morath Jr.:

This letter is in response to your U.S. General Services Administration Freedom of Information Act (FOIA) request number (GSA-2016-001137), submitted on September 14, 2016, in which you requested the following:

"Pursuant to the Freedom of Information Act, 5 U.S.C. 552 and the Privacy Act, 5 U.S.C. 552a, we hereby request, on behalf of our client Ryan Eberhardt, a copy of any and records concerning the purchase, installation, inspection, maintenance, and/or repairs of the vehicular security gate which separates U.S. bound and Canada bound traffic between the customs plaza and the toll gate on the U.S. side of the Rainbow Bridge in Niagara Falls, New York, from the date of the original installation through February 24, 2015. I further request preservation of all such documents and information as evidence in a civil action on behalf of Mr. Eberhardt."

You clarified your request by a letter dated September 26, 2016, which stated the following:

"The documents we are requesting would include maintenance requests, records of inspections, purchase orders, invoices, and any other documents pertaining to the purchase, installation, inspection, maintenance, and/or repairs to the gate from the date of the original installation through February 24, 2015. I regret that I cannot be more specific regarding the actual title and date of the documents we are requesting. If the G.S.A. has a file for this gate, you may consider this a request for the complete contents of that file."

Enclosed please find the responsive documents with the exception of the part of the documents we have determined to redact and/or withhold pursuant to the applicable statutory exemptions of the FOIA (5 USC §502(b)).

Specifically, we have redacted information under exemptions 4 and 5 of the FOIA (5 U.S.C. §552(b)(4), (b)(5)), such as inter-, and intra-Government communication, communication from and to the Contractor, subcontracting information, meeting minutes and employee related information. Exemption 4 permits an agency to withhold information that contains commercial or financial information obtained from a person that is privileged or confidential. GSA may withhold

U.S. General Services Administration
1800 F. Street, NW
Washington, DC 20405
Telephone: (202) 501-0800
Fax: (202) 501-2727

such information as the release of the information could involve a substantial risk of competitive injury to a business that directly or indirectly furnished information to GSA. Exemption 5 permits an agency to withhold inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency pursuant to 5 U.S.C. § 552(b)(5). Exemption 5 also incorporates the privileges that protect materials from discovery in litigation, including the deliberative process, attorney work-product, attorney client, and commercial information privileges. We have determined that the denial of the release of the requested information meets this test.

In addition, we redacted drawings and specific security related information regarding the project under Exemption (b)(7F), as release of the information may endanger property and the life of large number of individuals. We determined that the redacted information falls within the scope of these exemptions.

You have the right to appeal the partial denial of the records. To do so, you must write within ninety (90) days of your receipt of this letter to the following address:

General Services Administration
FOIA Requester Service Center (H1F)
1800 F Street, N.W., Room 7308
Washington, D.C. 20405-0001

Your appeal must be in writing and should contain a brief statement of the reasons why the withheld information should be released. Enclose a copy of your initial request and this partial denial. Both the appeal letter and envelope should be marked prominently, "Freedom of Information Act Appeal."

This completes our action on this request. Should you have any questions, please contact Mr. Ralph Januale at 716-262-3564 or by email at ralph.januale@gsa.gov. You may also contact the GSA FOIA Public Liaison, Audrey Brooks, at (202) 205-5912 or by email at audrey.brooks@gsa.gov for any additional assistance and to discuss any aspect of your FOIA request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

Travis Lewis

FOIA Program Manager

Enclosures